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6. [] Dropped by the House Foreign Affairs Committee offices to see Marian Czarnecki, Chief of Staff, and while waiting for Czarnecki ran into Jack Marsh, Counselor to the President. Marsh and I were there to discuss Executive Branch responses to the Harrington Resolutions of Inquiry (H. Res. 205, 206 and 207) and we discussed the matter with Czarnecki jointly. In the course of our meeting, Marsh placed a call to Phil Areeda, Counsel to the President, on the subject. The White House is redrafting the letter originally submitted by Areeda to Chairman Morgan and it will be returned to Czarnecki this eveing. It is expected the Foreign Affairs Committee will act on H. Res. 206 and 207 tomorrow (H. Res. 205 was referred to the House Armed Services Committee) and it is expected that the Committee will not act favorably on these Resolutions. I told Marsh we had submitted our draft comments to the Armed Services Committee to the White House staff for clearance and we would await their guidance.

I asked Czarnecki about the scheduling of the Director's briefing on covert activities since the Committee on Oversight has now been designated. Czarnecki said the Chairman has just had his hands full with other matters and has not been able to get to it as yet. Czarnecki will let us know further about this.

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7. [] Met briefly with Ralph Preston, House Appropriations Committee staff, and mentioned the possibility of the Director sending a letter to Speaker Albert. (See Note for File)

I picked up from Preston a copy of the unclassified transcript of the Director's open testimony before the Defense Subcommittee on 20 February.

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8. [] Met with Dorothy Fosdick, staff of the Permanent Subcommittee on Investigations, Senate Government Operations Committee, and asked her about Senator Henry Jackson's withdrawal from the Senate Armed Services CIA Subcommittee. She said she was unaware the Senator was no longer on our Subcommittee and seemed somewhat surprised. We talked about the House and Senate Select Committee inquiries and I expressed concern about maintaining the security of the information involved.

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9. [] Delivered Agency maps to Dr. Arlon Tussing, on the staff of the Senate Interior and Insular Affairs Committee, and also to George Stringfellow, on the staff of Representative Richardson Preyer (D., N. C.).
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25X1 [REDACTED] **SECRET**

25X1 5. [REDACTED] In response to Mr. Cary's earlier call, spoke with Clark McFadden, General Counsel, Senate Armed Services Committee, and he agreed that the matter of the incident in the Indian Ocean involving the U.S. Navy is a matter requiring him to deal directly with the Navy to fill in the details.

We also agreed to focus on his need to make use of various articles in the NID to support Chairman John C. Stennis' (D., Miss.) and other staff members of the Armed Services Committee. It was not McFadden's intent to affect the security understanding governing the use of the NID within the Committee. I said we would be back in touch with him on this.

McFadden said they would defer to us on permitting an attorney access to portions of the May 1973 transcripts dealing with Watergate. It is Ed Braswell's, Chief Counsel of the Committee, opinion that if they are faced with requests for access, the Committee may recommend sanitization and publication of the transcripts and inferentially the supporting documentation. I told him I thought we would not be in favor of such a development.

25X1 6. [REDACTED] Jim Kronfeld, House Government Operations Committee staff, called and asked if we could reschedule the briefing of Representative Bella Abzug's Subcommittee on Government Information and Individual Rights for 5 March at 10:30 a.m. After checking with the Director's office, I confirmed with Kronfeld the time and date.

25X1 7. [REDACTED] Called Colonel Hammond, DOD, regarding H. Res. 205. He said he had been in touch with State and found they are not doing anything about this. They told Hammond that Stan Lowe, of the NSC, was working on H. Res. 206. Hammond said as far as he could tell Defense had no problems in answering H. Res. 205 but we agreed to stay in touch with the White House and with each other.

25X1A 8. [REDACTED] Accompanied the Director, Paul Walsh, and [REDACTED] to a world wrapup briefing of the Intelligence Operations Subcommittee of Senate Appropriations. See Memo for Record.

25X1 9. [REDACTED] Talked with Chairman Lucien Nedzi, Intelligence Subcommittee of House Armed Services Committee, about the Select Committee on Intelligence matter. See Memo for Record.

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OLC 75- 0464

6 March 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Chairman Lucien Nedzi, Special Subcommittee on Intelligence, House Armed Services Committee, re Request of Representative Paul McCloskey

1. I called Chairman Lucien Nedzi, Special Subcommittee on Intelligence, House Armed Services Committee, regarding Representative Paul McCloskey's (R., Calif.) request that we provide him with a "legal opinion" on the legality of our relationships with military commanders in Vietnam with respect to the Paris Peace Accords. I told him that John Warner, OGC, was preparing a paper on this but I had some question of whether we should be in the business of giving legal opinions to people who are not on our Committee. Mr. Nedzi raised a question as to whether we should be issuing legal opinions of this sort in any event. (He thought it should be done by the Department of Justice.) I said I thought maybe McCloskey feels that if we are having contact with military commanders we should check as to the legality or propriety of doing so. Mr. Nedzi said he thought it might be appropriate for us to comment on what the legal issues were but that was something different from the legal opinion. I finally suggested that instead of a "legal opinion" we prepare a letter to McCloskey which discusses the issues without submitting a legal brief on it. Mr. Nedzi agreed with this approach.

2. I then mentioned to the Chairman that we were sending Jack Boos, House Armed Services Committee staff, some annexes on various topics which we had also given to Senators Frank Church and John Tower. These covered organization, USIB background, etc. I said we are trying to get Boos and [] IC staff, together and hope that the Director can also see Mr. Nedzi in the near future. I said the annexes had been mentioned to Representative Robert McClory (R., Ill.) and said that we would provide an additional copy for him. Nedzi said that McClory had talked to him and had indicated a desire

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to have the Director brief him on the "jewels" and, of course, Nedzi saw no objection to that. He commented that it has to be. I said I would pass this on to the Director. I then asked him if he thought this was something that would go to the entire Select Committee. Nedzi said he was aware of the problem but "it could be." He said perhaps he and McClory could talk about this but he said that at the rate stuff is appearing in the newspaper he does not think there will be much left to tell. Mr. Nedzi said we could start the flow of material we wanted to get to him at any time. In this connection, he asked if the annexes I mentioned would cause any problems. I said not the kind of problems other things would.

3. I commented on Representative Les Aspin's (D., Wis.) interest in the backup on our Soviet defense budget figures, and said this was a real bucket of worms to try to sort out. Mr. Nedzi said it is for this reason that he has never been persuaded with regard to these figures. I said it was indeed a difficult problem and a margin of error is built in but if we use the same system from year to year, we can at least give some valid indication of trend lines.

4. I mentioned the inquiry we had received from the Judiciary Committee as a result of the Director's testimony before the Subcommittee on Government Information and Privacy, House Government Operations Committee (this had to do with mail opening). I said the Judiciary Committee apparently wants a piece of the action just as Representative Bella Abzug (D., N. Y.) did because the Subcommittee on Civil Rights and Constitutional Rights, House Judiciary Committee, feels it has a jurisdictional interest in the opening of the mails. I told Nedzi that in view of the fact that Representative McClory is ranking member on the Judiciary Committee and the Select Committee and the Representative Don Edwards (D., Calif.) is on both Committees, we felt this was a matter best left to the Select Committee. I noted, however, that there are some 20 pieces of legislation on the subject of surveillance pending before the Judiciary Committee. Some of these would give us real problems so we will be forced to treat with the Committee on this.

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5. In closing, Mr. Nedzi asked if the ordeal with Representative Abzug was over. I told him I hoped so although I was reasonably certain there would be some change in our basic exemption to the Privacy Act.



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Legislative Counsel

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